



UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C.

Issued by the Department of Transportation on August 9, 1999

**NOTICE OF ACTION TAKEN -- DOCKET 49623**

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Joint Applicants: AEROVIAS de MEXICO, S.A. de C.V., and DELTA AIR LINES, INC. Date Filed: May 22, 1995

Relief requested: Exemption from 49 USC section 41301 to permit Aeromexico to continue to conduct scheduled, combination services between: 1) Mexico City, Mexico, and Atlanta, Georgia; 2) Mexico City, Mexico, and Dallas/Ft. Worth, Texas; and 3) Monterrey, Mexico, and Atlanta, Georgia. Statements of Authorization under 14 CFR Part 212 to permit Aeromexico to continue to display Delta's designator code on flights operated by Aeromexico between Mexico City and Atlanta and between Mexico City and Dallas/Ft. Worth; and to permit Delta to continue to display Aeromexico's designator code on flights operated by Delta between Atlanta and Mexico City.

If renewal, date and citation of last action: July 22, 1994; confirmed by Order 94-8-15 (in Docket 49623).

Applicant representative(s): William C. Evans (for Aeromexico) on 202-371-6030; and Robert E. Cohn (for Delta) on 202-663-8060.

Responsive pleadings: None

**DISPOSITION**

Action: Approved.

Action date: August 9, 1999

Effective date of authority granted: The exemption authority is granted for a period of one year (that is, through August 9, 2000). The Statements of Authorization are granted for an indefinite duration, subject to conditions (see below).

Basis for approval: U.S.-Mexico Aviation Agreement.

Except to the extent exempted/waived, the exemption authority granted to Aeromexico is subject to the terms, conditions, and limitations of Aeromexico's foreign air carrier permit conditions. The code-share authority granted to Aeromexico and Delta is subject to the same terms, conditions, and limitations as is the code-share authority granted to these two carriers to conduct certain code-share services in the U.S.-Mexico market by the Department in Order 99-6-6.

Special Conditions/Remarks: On June 22, 1999, Delta filed a petition for reconsideration regarding certain conditions imposed on its code-share operations by Order 99-6-6. That petition currently is pending. The Department's decision on that petition will apply to the code-share services authorized here.

**Action taken by: Paul L. Gretch, Director**  
**Office of International Aviation**

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) immediate action was required and was consistent with Department policy; (2) the applicant was qualified to perform its proposed operations; (3) grant of the authority was consistent with the public interest; and (4) grant of the authority would not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975. To the extent not granted/deferred/dismissed, we denied all requests in the referenced Docket. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within ten (10) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

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